

PORTALE | RANDAZZO

December 1, 2023

Via ECF

Honorable Kenneth M. Karas
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10606

**Re: Andrew Krivak, Jr. v. Putnam County, et al.
23 Civ. 6960 (KMK)**

Dear Judge Karas:

This firm represents the County of Putnam, Sheriff Robert Thoubboron, Investigators Harold Turner, Daniel Stephens, Patrick Castaldo, William Quick, John Daniel Rees, and William Asher, Putnam County District Attorneys Robert V. Tendy and Kevin Wright, and Putnam County Assistant District Attorneys Larry Glasser, Chana Krauss and Christopher York, and District Attorney Investigator Ralph Cilento in the above-mentioned matter. I write today, with Plaintiff's counsel's consent, pursuant to the Court's order to submit a status report concerning Defendants Putnam County District Attorneys Robert V. Tendy and Kevin Wright, and Putnam County Assistant District Attorneys Larry Glasser, Chana Krauss and Christopher York's (collectively the "PCDA Defendants") putative motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). After conferring with Plaintiff following the pre-motion conference, the PCDA Defendants and Plaintiff are unable to agree which alleged conduct is investigatory rather than trial advocacy, or otherwise narrow the arguments that the PCDA Defendants intend to raise in a putative motion to dismiss. As such, the PCDA Defendants request that the Court set a briefing schedule for their motion to dismiss as follows:

- The Putnam County District Attorney defendants' motion shall be filed no later than January 19, 2024;
- Plaintiff's opposition brief shall be filed no later than February 16, 2024;
- The Putnam County District Attorney defendants' reply brief shall be filed no later than March 1, 2024

The parties intend and agree that discovery shall proceed in the normal course pending briefing and a decision on the Putnam County District Attorney defendants' motion to dismiss.

Respectfully submitted,

/s/ James A. Randazzo

James A. Randazzo

cc: Counsel of record via ECF.